

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ADRIAN SHERMAN,  
Petitioner,

v.

STEVEN TOOHEY,  
Respondent.

Case No. C04-5894FDB

ORDER DISMISSING PETITION

The Court, having reviewed the petition for habeas corpus, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's pending motions, if any, are DENIED.
- (3) Petitioner's federal habeas petition is DISMISSED.
- (4) The Clerk is directed to send copies of this Order to Petitioner and to Judge Arnold.

DATED this 20<sup>th</sup> day of April 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE